

Attorney Docket No. GRAY-033/00US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Teresa S. HEALY et al.

Serial No.: 10/638,554

Examiner: Katherine M. Moran

Confirmation No.: 5392

Art Unit: 3765

Filed: August 12, 2003

For: **EAR WARMER HAVING A MEMBRANE FORMING A RECEPTACLE**

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**INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §1.97(b)**

In accordance with the duty of disclosure set forth in 37 C.F.R. §1.56,

Applicant(s) hereby submits the following information in conformance with 37 C.F.R. §§1.97 and 1.98.

- ☒ Pursuant to 37 C.F.R. §1.98, a copy of each foreign and non-patent document cited in the attached Form PTO/SB/08 is enclosed.
- ☐ No copies of the publications listed on the attached Form PTO/SB/08A are being provided pursuant to 37 C.F.R. §1.98(d) because the publications were previously cited by or submitted to the Office in prior Application Serial No. ___ to which the above-identified application claims priority under 35 U.S.C. §120.
- ☒ No copies of any U.S. patents or U.S. patent application publications listed on the attached Form PTO/SB/08A.
- ☐ Publication(s) ___ listed on the attached Form PTO/SB/08A were cited in a foreign search or examination report corresponding to ___ application serial no. ___ and mailed on ___.
- ☐ Enclosed is a copy of a non-English publication(s) ___. Pursuant to §609 of the M.P.E.P., Applicant submits the attached foreign search or examination report, which cites such non-English language publication(s).

- ☐ Enclosed is a copy of a non-English publication(s) _____. English language publication ____ (copy enclosed) claims priority from this non-English publication.
- ☐ Enclosed is an explanation of non-English publication(s) ____ for which an English translation is not available.
- ☐ Enclosed is an English translation of non-English publication(s) ____ cited in the attached Form PTO/SB/08A.
- ☐ Enclosed is a copy of pending patent Application Serial No. _____.

This Information Disclosure Statement is filed after the period specified in 37 C.F.R. § 1.97(b), but before the mailing of:

- ☐ a final action under 37 C.F.R. §1.113;
- ☐ a notice of allowance under 37 C.F.R. §1.311; or
- ☒ an action that otherwise closes prosecution in this application.

In accordance with 37 C.F.R. §1.97(c) also enclosed is:

- ☒ Fee under 37 C.F.R. §1.17(p) in the amount of \$180.00; or
- ☐ Statement as specified in 37 C.F.R. §1.97(e):
 - ☐ Each item of information contained in the Information Disclosure Statement cited herein was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing date of the Information Disclosure Statement; or
 - ☐ No item of information contained in the Information Disclosure Statement submitted herewith was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, having made a reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing date of the Information Disclosure Statement.

It is respectfully requested that the Examiner consider the above-noted information and return an initialed copy of the attached Form PTO/SB/08A to the undersigned.

Dated: 21 JUL 06

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Respectfully submitted,
COOLEY GODWARD LLP

By:


John R. Mills
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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>		Complete if Known	
		Application Number	10/638,554
		Filing Date	August 12, 2003
		First Named Inventor	Teresa S. HEALY
		Group Art Unit	3765
		Examiner Name	Katherine M. Morn
Sheet 1 of 2	Attorney Docket Number	GRAY-033/0005	

a.U.S. PATENT DOCUMENTS				
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patente or Applicant of Cited Document
		Number	Kind Code ² (if known)	
	A144	183,359		Albott
	A145	360,985		Basch
	A146	836,087		Callahan
	A147	1,167,368		Adams-Randall
	A148	1,567,105		Bohlsman
	A149	2,346,860		Jansen et al
	A150	3,104,398		Palmer
	A151	3,311,713		Kruebel
	A152	3,440,663		Beguin
	A153	5,003,589		Chen
	A154	5,046,192		Ryder
	A155	5,303,426		Jones
	A156	5,625,903		Schultz et al
	A157	5,953,434		Boyd
	A158	6,148,446		Leight
	A159	6,580,800	BI	Yamasaki et al

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number.

² See attached Kinds of U.S. Patent Documents.

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PTO/SB/08A (08-00)

Substitute for form 1449A/FTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>			Complete if Known		
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			First Named Inventor	Teresa S. HEALY et al	
			Group Art Unit	3765	
			Examiner Name	Katherine M. Moran	
			Attorney Docket Number	GRAY-033600US	
Sheet	2	of	2		

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Office ²	Number ³	Kind Code ⁴ (if known)		
	B41	DE	3231218	AI	Wagner et al.	02-23-1984
	B42	CN	2291138			09-16-1998
	B43	WO	01/76462	AI	The Gorgonz Group	10-18-2001
	B44	JP	47-19024			11-02-1972
	B45	JP	48-75626			09-19-1973
	B46	JP	53-143627			11-13-1978
	B47	JP	57-11884			01-21-1982
	B48	JP	58-138484			09-17-1983
	B49	JP	10-079994		Gorgonz Group, Inc.	03-24-1998
	B50	KR	20-2004-0007721		Park, Chan-Hee	03-19-2004
	B51	KR	20-2004-0007722		Park, Chan-Hee	03-19-2004
						Abstract Only
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Examiner Signature	Date Considered
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¹ Enter Office that issued the document, by the two-letter code (WIPO Standard ST 3).

² For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

³ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible.

⁴ Applicant is to place a check mark here if English language Translation is attached.